

US EPA ARCHIVE DOCUMENT

to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by: PMN 81-394 & 81-395, October 17, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51308]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-394	Robert Jones ...	202-426-0503.	E-229
81-395	Robert Jones ...	202-426-0503.	E-229

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-394

Close of Review Period. November 16, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Capped urethane.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81-395

Close of Review Period. November 16, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Capped urethane.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/disposal. Claimed confidential business information.

Dated: August 20, 1981.

Linda K. Smith,

Acting Director, Management Support Division.

[FR Doc. 81-25026 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-31-M

[A-3-FRL-1912-1]

Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to the Commonwealth of Virginia

On February 26, 1976 the Regional Administrator of EPA Region III published a Notice in the **Federal Register** announcing the delegation of enforcement authority to the Commonwealth of Virginia (41 FR 8116). That delegation covered twelve categories of New Source Performance Standards (NSPS), 40 CFR Part 60, and three categories of National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR part 61. The purpose of this Notice is to announce delegation of enforcement authority for all remaining NSPS and NESHAP categories to the Commonwealth of Virginia State Air Pollution Control Board (SAPCB). In addition, all future NSPS and NESHAP will be automatically delegated to the SAPCB subject to certain conditions. All terms and conditions of this delegation are explained in the following letter:

Maurice B. Rowe,

Secretary of Commerce and Resources,
Office of the Governor, Richmond,
Virginia 23219

Dear Secretary Rowe: This is in response to your letter dated June 16, 1981 to Regional Administrator Jack J. Schramm requesting delegation of enforcement authority for certain additional New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP). Delegation of enforcement authority for the initial twelve NSPS

categories and three NESHAP categories occurred on December 30, 1975.

We have reviewed the pertinent laws and regulations of the Commonwealth of Virginia and have determined that they provide an effective procedure for enforcement of the NSPS and NESHAP regulations by the State Air Pollution Control Board (SAPCB). We have also reviewed the request dated June 19, 1981 by W. R. Meyer, SAPCB Executive Director, that NSPS and NESHAP categories promulgated by EPA in the future be automatically delegated to the SAPCB. Pursuant to your request, the Virginia State Air Pollution Control Board is hereby delegated authority to enforce all NSPS and NESHAP standards promulgated by EPA as of June 16, 1981. In addition, delegation of enforcement authority for future NSPS and NESHAP standards is hereby granted subject to the following conditions:

1. Each standard must be legally adopted by the SAPCB after public notice and an opportunity for a public hearing.

2. Each standard must be adopted by reference to the Federal regulations with only those wording changes provided by the present State regulations.

3. The SAPCB must notify the Director, Enforcement Division, EPA Region III, that it has adopted additional standards and that it intends to enforce the standards in conformance with the terms of this delegation.

All delegations are subject to the general conditions stated in the initial delegation (letter from Daniel J. Snyder, EPA Regional Administrator, to Earl J. Shiflet, Virginia Secretary of Commerce and Resources, dated December 30, 1975) except that quarterly reports required by Condition 1 of that letter have been replaced by direct updates of the Compliance Data System. Also, Condition 6 relating to sources owned by the United States is hereby rescinded.

A Notice announcing this delegation will be published in the **Federal Register** in the near future. The Notice will state, among other things, that effective immediately all reports required by the above-referenced Federal regulations should be submitted to the SAPCB with copies to EPA Region III. Any original reports which are received by EPA Region III will be promptly transmitted to the SAPCB.

Since this delegation is effective immediately, there is no requirement that the SAPCB notify EPA of its acceptance. Unless EPA receives from the SAPCB written notice of objections within ten (10) days after receipt of this letter, the Commonwealth of Virginia State Air Pollution Control Board will be deemed to have accepted all terms of the delegation.

Dated: July 21, 1981.

Sincerely yours,
Thomas C. Voltaggio,
Acting Director, Enforcement Division.

Effective immediately, all reports required pursuant to any NSPS or NESHAP category should be submitted to the Virginia SAPCB, Room 1106, Ninth Street Office Building, Richmond,

Virginia 23219. However, reports required pursuant to 40 CFR 60.7 (excess emissions and malfunctions) should be sent to the SAPCB only.

Under Executive Order 12291, EPA must judge whether an action is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is an administrative change only. It is not a major action because its only effect will be to reduce duplication of effort between EPA and the SAPCB.

This action was submitted to the Office of Management and Budget (OMB) for review as required by E.O. 12291.

(Sections 111(c) and 112(d) of the Clean Air Act, 42 U.S.C. 7411(c) and 7412(d))

Dated: August 10, 1981.

Thomas C. Voltaggio,
Acting Director, Enforcement Division.

[FR Doc. 81-25025 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 81-399]

Closed Circuit Test of the Emergency Broadcast System During the Week of August 24, 1981

A test of the Emergency Broadcast System (EBS) has been scheduled during the week of August 24, 1981. Only ABC, MBS, NPR, AP Radio, CBS, IMN, NBC and UPI Audio radio network affiliates will receive the Test Program for the Closed Circuit Test. AP and UPI wire service clients will receive activation and termination messages of the Closed Circuit Test. Television networks are not participating in the Test.

Network and press wire service affiliates will be notified of the test procedures via their network approximately 30 to 45 minutes prior to the test.

Final evaluation of the test is scheduled to be made about one month after the Test.

This is a closed circuit test and will not be broadcast over the air.

Action by the Commission August 4, 1981. Commissioners Fowler (Chairman), Quello, Washburn, Fogarty, Jones and Dawson.

Federal Communications Commission.

William J. Tricarico,

Secretary.

August 5, 1981.

[FR Doc. 81-24938 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

Horne Industries, Inc.; Hearing Designation Order

Adopted: August 3, 1981.

Released: August 18, 1981.

By the Chief, Broadcast Bureau.

In re applications of Horne Industries, Inc., Russellville, Arkansas, Req: 100.9 MHz, Channel 265, 3.0 kW, 300 feet (H&V), BC Docket No. 81-551, File No. BPH-11185; River Valley Broadcasting, Inc., Russellville, Arkansas, Req: 100.9 MHz, Channel 265, 3.0 kW, 212 feet (H&V), BC Docket No. 81-552, File No. BPH-800711A; and Judy K. Purtle, Russellville, Arkansas, Req: 100.9 MHz, Channel 265, 3.0 kW, 300 feet (H&V), BC Docket No. 81-553, File No. BPH-800807AE; for construction permit, designating applications for, consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Horne Industries, Inc. (Horne), River Valley Broadcasting, Inc. (River Valley) and Judy K. Purtle (Purtle) for a new commercial FM station at Russellville, Arkansas

2. *Horne*. On March 24, 1981, after the December 19, 1980 "B" cut-off date, Horne filed information reporting changes in its integration proposal and broadcast ownership interests. While such matters may require disclosure pursuant to Sections 1.514 and 1.65 of the Rules, and applicant is not permitted to improve its comparative position after the amendment deadline. See *Communications Properties, Inc.*, Mimeo No. 05863, released January 16, 1981. Thus, any comparative advantage resulting from Horne's March 24, 1981 amendment will be disallowed.

3. *River Valley*. Applicant tendered its application for construction permit on the February 14, 1980 cut-off date. A preliminary staff engineering study determined that applicant's transmitter site was short-spaced 1 mile with KXXI, Fort Smith, Arkansas in violation of Section 73.207 of the Rules, and the River Valley application was returned as unacceptable for filing on June 13, 1980. On July 11, 1980, applicant filed a petition for reconsideration specifying a new transmitter site. A staff engineering study indicates that the engineering amendment is an amendment for a minor change. Hence, because River Valley's petition was filed within 30 days after the return of its application, the amendment rectifies the short-spacing, and it seeks a minor change to its initial application, its application for

construction permit is accepted *nunc pro tunc*.

4. *Purtle*. Applicant tendered its application for construction permit on the February 13, 1980, prior to the February 14, 1980 cut-off date. A preliminary staff engineering study determined that applicant's transmitter site was short spaced 6 miles with KEZQ, Jacksonville, Arkansas, in violation of Section 73.207 of the Rules, and the Purtle application was returned as unacceptable for filing on July 8, 1980. On August 7, 1980, applicant filed a petition for reconsideration specifying a new transmitter site. A staff engineering study indicated that the engineering amendment was an amendment for a minor change. Hence, because Purtle's petition was filed within 30 days after the return of its application, the amendment rectifies the short-spacing, and it seeks a minor change to its initial application, its application for construction permit is accepted *nunc pro tunc*.¹

5. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would on a comparative basis, best serve the public interest.

2. To determine in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

7. It is further ordered, That in the event the application of Horne Industries, Inc. is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, Horne Industries, Inc. will divest itself of either KARV or the FM station in accordance with the guidelines established in such rulemaking proceeding.

8. It is further ordered, That to avail themselves of the opportunity to be

¹ Purtle subsequently amended after the cut-off date for amendments as a matter of right, to specify a new antenna site due to uncertainty as to the availability of its proposed site. Good cause having been shown, Purtle's June 12, 1981 petition for leave to amend will be granted and the amendment accepted.